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PP RUEHDBU RUEHFL RUEHKW RUEHLA RUEHROV RUEHSR
DE RUEHPS #0947/01 3151320
ZNY CCCCC ZZH
P 111320Z NOV 06
FM USOFFICE PRISTINA
TO RUEHC/SECSTATE WASHDC PRIORITY 6673
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE
RUCNDT/USMISSION USUN NEW YORK 0905
RHMFISS/CDR USEUCOM VAIHINGEN GE
RUFOADA/JAC MOLESWORTH RAF MOLESWORTH UK
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RUEAWJA/DEPT OF JUSTICE WASHDC
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C O N F I D E N T I A L SECTION 01 OF 03 PRISTINA 000947

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DEPT FOR PRM, DRL, INL, AND EUR/SCE, NSC FOR BRAUN, USUN
FOR DREW SCHUFLETOWSKI, USOSCE FOR STEVE STEGER

E.O. 12958: DECL: 10/12/2016

TAGS: [PREF](#) [PGOV](#) [EAID](#) [PREL](#) [UNMIK](#) [YI](#)

SUBJECT: KOSOVO: UNMIK GETTING OUT OF THE RETURNS BUSINESS

Classified By: COM TINA KAIDANOW FOR REASONS 1.4 (B) AND (D).

11. (C) SUMMARY: Unlike the rest of UNMIK, which is planning its departure without undue haste, the Office for Communities, Returns and Minorities (OCRM) hopes to transfer all of its competencies except for responsibility for forced returns by the end of the year, a very positive development in our view. OCRM has been working diligently and with forethought over the past several months to transfer its returns competencies to local governments, ministries within Kosovo's Provisional Institutions of Self-Government (PISG), UNHCR and UNDP. The Amcit outgoing head of OCRM has refused to transfer any responsibilities to the Ministry for Communities and Returns (MCR) as long as Slavisa Petkovic, the only ethnic Serb in the Kosovo government and reportedly knee deep in financial impropriety, remains as minister. Recent reports from UNMIK indicate that Petkovic may shortly be removed and possibly indicted for corruption. END SUMMARY.

UNMIK's Refugee Office Hands Over Responsibilities

12. (C) UNMIK's Office of Communities, Returns and Minorities (OCRM) will be down from 40 employees to a staff of 26 by the end of 2006, at which time it will have transferred most of its responsibilities for returns. The remaining 26 employees will perform OCRM's continuing duties regulating forced returns. OCRM began the process of transferring its returns competencies with the completion in June 2006 of the revised Manual for Sustainable Returns. The manual removes UNMIK and OCRM from the central role on returns, puts municipalities in the forefront and also gives more responsibility to the PISG. In a Memorandum of Understanding dated August 31, 2006, OCRM successfully shed its onerous duties as manager of the humanitarian transport system by transferring this responsibility to the Ministry of Transport and Communications. (NOTE: The humanitarian transport system consists mainly of the Freedom of Movement train from Fushe Kosovo north to the majority Serb municipality of Zubin Potok, and various private bus routes connecting Serb enclaves in southern Kosovo with each other and the north. To its credit, over the summer OCRM kept up pressure on the Ministry to devise a procedure to involve the affected minorities who use the humanitarian transport system in determining routes. Unfortunately, OCRM staff tell us that

the OSCE Mission in Kosovo has not taken an active enough role in monitoring the human rights aspects of the Ministry's management of humanitarian transport. END NOTE.)

UNDP gets the nod on returns funding

13. (SBU) OCRM has held joint meetings with UNDP and UNHCR over the past several months to transfer some of its remaining responsibilities to those agencies. The major international organizations dealing with returns in Kosovo (OCRM, UNDP and UNHCR) agree that the Ministry for Communities and Returns (MCR) is fatally weak and needs a great deal of capacity building. The European Agency for Reconstruction has given 1 million euros to support capacity building at the MCR, including training MCR and municipal returns staff on the new Sustainable Returns manual. UNDP has also started a pioneering program to build capacity in the MCR through the embedding of five employees from the Ministry in the UNDP office in Pristina. UNDP is further set to take the leading role in the returns process when it takes over returns projects and managing Kosovo government funding for returns. It already coordinates the Central Review Mechanism that reviews returns concept papers submitted by NGOs for funding by the Kosovo government and international donors.

UNHCR to take on returns interventions and monitoring

14. (SBU) OCRM will transfer to UNHCR the mandate to handle returns interventions and conduct returns monitoring, the latter in conjunction with the OSCE Mission in Kosovo. UNHCR is currently developing its 2007 plan for Kosovo operations, which supports returns to places of origin and also lays out processes to review, evaluate and support return to places

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other than that of origin. The new UNHCR Representative in Pristina told us that in this work, UNHCR recognizes people have the right to choose their place of residence, and UNHCR will look at this primarily from a protection perspective. Beginning in 2007, UNHCR will implement a "localization plan" to move from costly international NGOs to the Kosovo government (primarily municipalities and the Ministry of Local Government Administration) and local NGOs to support spontaneous returns and contingency preparedness. UNHCR has developed a detailed program to do this, including a handover of daily activities to local returns actors and mainstreaming primary responsibility for assistance and activities to public service providers. Training of local returns actors (the PISG, municipalities and local NGOs) started in September 2006 and will continue through July 2007, after which UNHCR hopes to assume only a monitoring role.

Ministries of Local Government Administration and Internal Affairs are preferred government institutions for returns responsibilities

15. (C) None of the international returns players in Kosovo have much faith in the competence of Minister for Communities and Returns Slavisa Petkovic, and local authorities as well as UNMIK civpol have initiated investigations of corruption and financial misfeasance in the ministry during his tenure there. UNMIK CIVPOL's Economic Crimes and Corruption Investigations Section has begun an investigation of MCR's expenditures of 1.1 million euros between June and October 2006, money that the MCR should have transferred to UNDP and others to support returns projects and reconstruction of commercial and residential property damaged during March 2004 ethnic riots. Already one contractor has admitted to paying a 6,000 euro bribe to obtain an 8,400 euro contract for a construction project for which he never intended to do the work.

16. (C) OCRM and UNHCR agree that while Petkovic is Returns Minister, the Ministry of Local Government Administration (MLGA) should take over the returns responsibilities from the

MCR. The outgoing head of OCRM wants to see the PISG do more than pay lip service to returns and believes the best thing to do is to fire Petkovic. In this, she may soon get her wish; PDSRSG Steve Schook recently told COM that Petkovic would likely be fired by Prime Minister Ceku at UNMIK urging, and possibly face indictment on corruption charges. The likeliest option for Petkovic's replacement is the current Serb permanent secretary of the Ministry, whom all agree has been cooperative and proactive in approach.

Forced Returns of Kosovars Living in Western Europe

17. (C) In December 2005, UNMIK created the Ministry of Internal Affairs (MIA), which has now been given the responsibility for migration and asylum matters, although foreign affairs and external relations (including migration management) remain a competency reserved by UNMIK. Migration management will stay the competency of the SRSG until a decision on Kosovo's final status, and most of the 26 employees remaining at OCRM during 2007 will be engaged in dealing with forced returns of Kosovars living abroad, mainly in Western Europe. The Repatriation Unit in OCRM is now responsible for forced return (also referred to as involuntary repatriation), but the transition process to the MIA is ongoing. With this in mind, several months ago OCRM established a returns working group co-chaired by OCRM and MLGA and attended by representatives of several European liaison offices whose countries have the largest number of asylum seekers and illegal immigrants from Kosovo, to discuss and support the transition and capacity building process. OCRM hopes to transfer its responsibility for forced returns to the newly established directorate for Borders, Refugees and Asylum at the Ministry of Internal Affairs. Under UNMIK regulation 2005/16, this directorate has responsibility for issues of borders and asylum, but OCRM has pressed it to deal with refugees as well.

18. (SBU) Approximately 3,000-4,000 Kosovars are repatriated

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annually to Kosovo from European countries. That number could be higher, except that pursuant to policies based on UNHCR position papers, OCRM currently prevents the forced return of Roma, Kosovo Serbs and Kosovo Albanians to northern municipalities due to a lack of shelter capacity and continued security concerns for these groups. With regard to the repatriation of the Ashkali and Egyptians, OCRM receives requests from third countries, and its staff conducts individual screenings to determine the shelter needs and security of these minorities. Based on these field reviews, OCRM rejects approximately 70 percent of these requests. OCRM will cease screening Ashkali and Egyptians once UNMIK leaves, and there is general concern that the MIA will not be trained and capable to handle this caseload in the short timeframe UNMIK has in mind for transferring this competency. UNHCR continues to oppose the forced return of failed asylum seekers to Kosovo on the grounds of political uncertainty, deficient status determination procedures in some deporting countries, and lack of capacity of Kosovo to absorb, shelter and protect these individuals.

Comment

19. (C) In a much more directed and purposeful fashion than the rest of UNMIK, OCRM has worked diligently to hand over its responsibilities in a way that will minimize gaps post-status. It faces a real challenge in the lack of capacity and outright corruption endemic to the Kosovo Ministry of Returns, and thus OCRM has chosen to marginalize the MCR by assigning its funding and responsibilities to international organizations and other Kosovo institutions. All that remains is handling forced returns, which will be transferred as soon as the Kosovo government can negotiate bilateral returns agreements with European countries to replace the ad-hoc agreements UNMIK has with some of these countries. The Ministry of Interior must also stand up and

properly train an office to do the screening work currently handled by the remaining OCRM staff. The difficulties encountered by OCRM, which started its transition planning long before the rest of UNMIK and pursued it with forethought and determination, point to the many likely obstacles that lay before us on the transition road, and underscore the urgency of jump starting the transition process now on the range of other handover issues. END COMMENT.

¶10. (SBU) U.S. Office Pristina clears this cable in its entirety for release to U.N. Special Envoy Martti Ahtisaari.
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